

EXHIBIT “D”

# EXHIBIT D

## Bright Red Chords - (Copyright Demo Recording and Final Video Versions) - Domino Comparison (given in D major)

Bright Red Chords: Loomis and the Lust Copyright Vs. done at Record Plant (original key D major)

0 1 INTRO 2 3 4 5

cross stick

D<sup>5</sup> F<sup>#5</sup> G<sup>5</sup> A<sup>5</sup> D<sup>5</sup> F<sup>#5</sup> G<sup>5</sup> E

Bright Red Chords: Loomis and the Lust Video Version (original key D major)

1 INTRO 2 3 4 5 6

D<sup>5</sup> F<sup>#5</sup> G<sup>5</sup> A<sup>5</sup> D<sup>5</sup> F<sup>#5</sup> G<sup>5</sup> E

Domino: Jessie J (original key G major, transposed to D major for comparison with BRC)

## EXHIBIT D

6 7 8 9 10 11

VERSE 1 A B

BRC orig.

I put the need-le in the groove to a song that fits the

D<sup>5</sup> F<sup>♯5</sup> G<sup>5</sup> A<sup>5</sup> D<sup>5</sup> F<sup>♯5</sup> G<sup>5</sup> E D<sup>5</sup> F<sup>♯5</sup> G<sup>5</sup> A<sup>5</sup>

7 8 9 10 11 12

VERSE 1 A' B'

BRC final

I put the need-le in the groove to a song that fits the

D<sup>5</sup> F<sup>♯5</sup> G<sup>5</sup> A<sup>5</sup> D<sup>5</sup> F<sup>♯5</sup> G<sup>5</sup> E D<sup>5</sup> F<sup>♯5</sup> G<sup>5</sup> A<sup>5</sup>

1 INTRO 2 3 4 5 6

VERSE 1 A1 Start of A

Domino

I'm feel-ing sex-y and free like glit-ter's rain-ing on

D<sup>5</sup> G<sup>5</sup>/D D<sup>5</sup> (omits) G<sup>5</sup>/D D<sup>5</sup> G<sup>5</sup>/D

## EXHIBIT D

12 13 14 15 B1

BRC orig. mood\_ I watch the re-cord spin a - round in - to a wall of

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A<sup>5</sup>

13 14 15 16 B1'

BRC final mood\_ I watch the re-cord spin a - round in - to a wall of

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A<sup>5</sup>

7 8 9 10 A1 Start of A

Domino end of B varied me\_ You're like a shot of pure gold I think I'm 'bout to ex -

D(omits) G<sup>5</sup>/D D<sup>5</sup> G<sup>5</sup>/D

# EXHIBIT D

16 17 18 CHORUS 19

BRC orig. sound Bright red chords and jet black

17 18 19 CHORUS 20

BRC final sound yeah! Bright red chords and jet black

11 end of B varied 12 13 14

Domino plode. I can taste the ten-sion like a cloud of smoke in the air Now I'm

D(omits) G<sup>5</sup>/D D<sup>5</sup> G<sup>5</sup>/D

Detailed description of the musical score: The score is presented in three systems. The first system, labeled 'BRC orig.', contains measures 16 and 17. Measure 16 has the lyric 'sound' and a piano accompaniment with chords D<sup>5</sup>, F<sup>5</sup>, G<sup>5</sup>, and E. Measure 17 is a whole rest. The second system, labeled 'BRC final', contains measures 17, 18, 19, and 20. Measure 17 has the lyric 'sound'. Measure 18 has the lyric 'yeah!'. Measure 19 is the start of the 'CHORUS' and has the lyrics 'Bright red chords and jet black'. Measure 20 continues the chorus with the same lyrics. The piano accompaniment for measures 19 and 20 has chords G and A. The third system, labeled 'Domino', contains measures 11, 12, 13, and 14. Measure 11 has the lyric 'plode.' and a piano accompaniment with chords D(omits) and G<sup>5</sup>/D. Measure 12 is a whole rest. Measure 13 has the lyrics 'I can taste the ten-sion like a cloud of smoke in the air' and a piano accompaniment with chords D<sup>5</sup> and G<sup>5</sup>/D. Measure 14 has the lyric 'Now I'm' and a piano accompaniment with a whole rest.



## EXHIBIT D

20 21 22 23

BRC orig. vi - nyl danc-ing to the beat, the mu-sic is pri - mal, Bright red chords and jet black

G A G A

21 22 23 24

BRC final vi - nyl danc-ing to the beat, the mu-sic is pri - mal, Bright red chords and jet black

G A G A

15 16 17 18 Start of A

Domino breath-ing like I'm run-ning 'cause you're tak-ing me there Don't you know you spin me out of con -

D(omit2) G<sup>5</sup>/D D<sup>5</sup> G<sup>5</sup>/D

# EXHIBIT D

24 25 26 27

BRC orig. vi - nyl danc-ing to the beat the mu - sic is pri - -

G A D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A<sup>5</sup>

25 26 27 28

BRC final vi - nyl danc-ing to the beat the mu - sic is pri - -

G A D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A<sup>5</sup>

end of B 19 20 21 22 PRE-CHORUS

Domino trol Ooh, ooh, ooh, ooh We can do this all night turn this club

D(omits) G<sup>5</sup>/D G<sup>5</sup> Em<sup>7</sup>

# EXHIBIT D

28 29

BRC orig.

mal...

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E

Bar 30 given on p. 11 to line up all the second verse transcriptions for comparison

29 30

BRC final

mal...

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E

Bar 31 given on p. 11 to line up all the second verse transcriptions for comparison

23 24 25 26 27

Domino

skin\_ tight ba-by come on Ooh, ooh, ooh, ooh Pull me like a bass drum spark-in' up a rhy - thm ba-by come

Bm A<sup>7</sup>(sus4) G<sup>5</sup> Em<sup>7</sup> Bm A<sup>7</sup>(sus4)



EXHIBIT D

BRC orig.

BRC final

Domino

28 on Ooh, ooh, ooh, ooh. 29 CHORUS Rock my world in - to the sun - light 30 make this dream 31 the best I've ev - er had 32

G<sup>9</sup> Em Bm A<sup>7</sup>(sus4)

The musical score for Exhibit D consists of three staves. The top two staves, labeled 'BRC orig.' and 'BRC final', are empty. The bottom staff, labeled 'Domino', contains musical notation for measures 28 through 32. Measure 28 has the lyrics 'on Ooh, ooh, ooh, ooh.' and a guitar chord of G<sup>9</sup>. Measure 29 is the start of the chorus, with lyrics 'Rock my world in - to the sun - light' and a guitar chord of Em. Measure 30 has the lyrics 'make this dream' and a guitar chord of Bm. Measure 31 has the lyrics 'the best I've ev - er had' and a guitar chord of A<sup>7</sup>(sus4). Measure 32 is empty.

EXHIBIT D

BRC orig.

BRC final

Domino

33 34 35 36 37

Dir - ty danc - ing in the moon- light Take me down like I'm a dom- i - no Eve - ry sec-

G<sup>9</sup> Em Bm A<sup>7</sup>(sus4) G<sup>9</sup>

The musical score for Exhibit D consists of three systems. The first system, labeled 'BRC orig.', contains five empty staves. The second system, labeled 'BRC final', also contains five empty staves. The third system, labeled 'Domino', shows measures 33 through 37. The melody is written in treble clef with a key signature of one sharp (F#). The lyrics are: 'Dir - ty danc - ing in the moon- light Take me down like I'm a dom- i - no Eve - ry sec-'. The chords for the Domino system are G<sup>9</sup>, Em, Bm, A<sup>7</sup>(sus4), and G<sup>9</sup>.

EXHIBIT D

BRC orig.

BRC final

Domino

38 39 40 41 42

ond is a high - light when we touch don't ev - er let me go Dir - ty danc - ing in the moon-light

Em Bm A7(sus4) G° Em

EXHIBIT D

BRC orig.

VERSE 2 A

30

It hits my hips be-fore my

BRC final

VERSE 2 A'

31

It hits my hips be-fore my

Domino

43 44 45 46 47 48

Take me down like I'm a dom i-no

Bm A7(654) D<sup>s</sup> G<sup>5</sup>/D D(omit3) G<sup>5</sup>/D

VERSE 2 A1

You got me los-ing my

EXHIBIT D

The musical score is presented in three systems, each with a vocal line and a piano accompaniment line. The key signature is one sharp (F#), and the time signature is 4/4.

- BRC orig. (Bars 31-34):** The vocal line starts with "mind" in bar 31, followed by "My feet are work-ing o-ver-time" in bar 32, and "Shoes slap-ping on the" in bar 33. The piano accompaniment features chords D<sup>5</sup>, F#<sup>5</sup> G<sup>5</sup>, and A<sup>5</sup> in bar 31, and D<sup>5</sup>, F#<sup>5</sup> G<sup>5</sup>, and E in bar 32. Bar 33 is marked with a bracket labeled "B2". Bar 34 is marked with a bracket labeled "A 3".
- BRC final (Bars 32-35):** The vocal line starts with "mind" in bar 32, followed by "My feet are work-ing o-ver-time" in bar 33, and "Shoes slap-ping on the" in bar 34. The piano accompaniment features chords D<sup>5</sup>, F#<sup>5</sup> G<sup>5</sup>, and A<sup>5</sup> in bar 32, and D<sup>5</sup>, F#<sup>5</sup> G<sup>5</sup>, and E in bar 33. Bar 34 is marked with a bracket labeled "B2'". Bar 35 is marked with a bracket labeled "A 3".
- Domino (Bars 49-52):** The vocal line starts with "mind" in bar 49, followed by "my heart beats out of" in bar 50, "time" in bar 51, and "I'm see-ing Hol-ly-wood" in bar 52. The piano accompaniment features chords D<sup>5</sup> and G<sup>5</sup>/D in bar 49, and D (omits) and G<sup>5</sup>/D in bar 50. Bar 51 is marked with a bracket labeled "end of B varied". Bar 52 is marked with a bracket labeled "A\*".

\* Domino, bars 52-53 melody very close to BRC final, bars 10-11



EXHIBIT D

end of B

35 36 37 38

BRC orig.

floor

Let's rock some more

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A<sup>5</sup> D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E

loose variation of B

36 37 38 18

BRC final

floor

Come on let's rock some more yeah!

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A<sup>5</sup> D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E

53 54 55 56

Start of A

end of B varied

Domino

stars

you strum me like a gui - tar I can

D<sup>5</sup> G<sup>5</sup>/D D(omits) G<sup>5</sup>/D

# EXHIBIT “E”

EXHIBIT E

Bright Red Chords (Demo and Final Versions) and Domino  
Comparative Uses of Melodic Figures A and B

Example 1: Uses of Melodic Figure A in Bright Red Chords and Domino

Bright Red Chords: Loomis and the Lust Copyright Vs. done at Record Plant (original key D major)

VERSE 1 A

10 9 I put the need - le in the groove

VERSE 2 A

30 It hits my hips be - fore my mind

Bright Red Chords: Loomis and the Lust Video Version (original key D major)

VERSE 1 A'

10 I put the need - le in the groove

VERSE 2 A'

31 It hits my hips be - fore my mind

Domino: Jessie J (original key G major, transposed to D major for comparison with BRC)

VERSE 1 A1

4 I'm feel - ing sex - y and free

8 You're like a shot of pure gold

VERSE 2 A1

48 You got me los - ing my mind

52 A'

I'm see - ing Hol - ly - wood stars

2

# EXHIBIT E

## Example 2: Uses of Melodic Figures A and B in Bright Red Chords and Domino

Instead of using a distinct melodic idea B as in Bright Red Chords, Domino uses the start of melodic figure A followed by an ending figure that matches the end of figure B, or (usually) one that is very similar (labeled "end of B varied").

Bright Red Chords: Loomis and the Lust Copyright Vs. done at Record Plant (original key D major)

9 I put the needle in the groove

11 to a song that fits the mood

B

end of B

Bright Red Chords: Loomis and the Lust Video Version (original key D major)

10 I put the needle in the groove

12 to a song that fits the mood

A'

B'

end of B

Domino: Jessie J (original key G major, transposed to D major for comparison with BRC)

VERSE 1

6 like glitter's raining on me

10 I think I'm 'bout to explode

18 you spin me out of control

Start of A

Start of A

Start of A

end of B varied

end of B varied

end of B

VERSE 2

50 my heart beats out of time

54 you strum me like a guitar

start of A varied

Start of A

end of B varied

end of B varied

## EXHIBIT “F”



EXHIBIT F

**Bright Red Chords - Domino, Comparison of Drums at Starts of Verses**  
by Dr. David Stern, Ph.D. in Music Theory

I noticed a similarity in the use of drum breaks in both songs. In order to compare the drum breaks at the start of each verse, I did a transcription which includes the opening lines of each verse for both songs, and the basic drum patterns for these same passages.

For the following description, please refer to Exhibit G for the musical examples.

Verse 1

"Bright Red Chords:" The drum drops out for the start of verse 1 in bar 10, with no drums until the steady beat at bar 11 which starts at the final word of verse 1's initial melodic line.

"Domino:" This pattern is mostly intact for Domino's first verse, bars 4-5. The difference here is that there is no drumbeat prior to bar 5, because it is near the start of the song and the drums have not yet come in altogether. However, the rest of the pattern, no drums to accompany the initial vocal line, and steady drumbeat starting at the last word of that initial melodic line in the following measure (bar 5), is there.

Verse 2

The drumbeat drops out for the opening line of verse 2 for both songs (compare Bright Red Chords, bars 31-32 and Domino, bars 39-40). Again, in both songs the steady drumbeat resumes in the corresponding place, at the last word of the text line.

The absence of drums to highlight the starts of verses and the use of a steady drumbeat starting at the last word of the initial melodic line for each verse creates an effect that is similar in both songs. This effect is heightened by the fact that the melodic material in the first bar of each verse (the part without the drumbeat going) consists of the same scale degrees within their respective keys and essentially the same rhythms in both songs.

EXHIBIT “G”

# Exhibit G Comparison of Drum Usage at start of verses in Bright Red Chords and Domino (given in D major)

Domino has been transposed to D major for ease of comparison

## Bright Red Chords: Loomis and the Lust VERSE 1

Power chords A'

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E A' D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A

7 8 9 10 11

I put the need-le in the groove.

## Domino: Jessie J (original key G major) VERSE 1

D(omit3) G<sup>5</sup>/D D(omit3) G<sup>5</sup>/D A1 D(omit3) G<sup>5</sup>/D

1 2 3 4 5

I'm feel-ing sex-y and free

N.B. IN BOTH SONGS NO DRUMBEAT FOR 1ST BAR OF VS. 1, STEADY DRUMBEAT COMES IN AT THE CORRESPONDING PLACES FOR LAST WORD OF THE TEXT LINE

## Bright Red Chords: Loomis and the Lust VERSE 2

D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> E A' D<sup>5</sup> F<sup>5</sup> G<sup>5</sup> A

29 30 31 32

It hits my hips be-fore my mind

(light drum fill)

## Domino: Jessie J (original key G major) VERSE 2

G<sup>5</sup>/D D(omit3) G<sup>5</sup>/D A1 D(omit3) G<sup>5</sup>/D

37 38 39 40

You got me los-ing my mind

N.B. VERSE 2: IN BOTH SONGS DRUM DROPS OUT FOR 1ST LINE AND RESUMES STEADY BEAT AT THE CORRESPONDING PLACES - STARTING AT LAST WORD OF THE TEXT LINE

# EXHIBIT "H"



EXHIBIT H  
Comparison of the Verse Melodies to "Bright Red Chords",  
"Domino", and "Rush"  
by Dr. David Stern, Ph.D. in Music Theory

I was hired by Will Loomis in 2012 to do expert analytical assessment, transcribing and comparing the songs "Bright Red Chords" recorded by Loomis and the Lust and "Domino" recorded by Jessie J. I was subsequently asked to assess the relation between these songs and "Rush" recorded by Big Audio Dynamite, having been told that the legal defense team was claiming that "Bright Red Chords" sounds like the earlier song "Rush." I understand that "Rush" was introduced to demonstrate the presumption that the melodic material shared by "Bright Red Chords" and "Domino" is commonplace and not strongly distinguished, also appearing in the earlier song "Rush." Despite similarities, there are significant differences in the verse melodies of "Bright Red Chords" and "Rush."

My analytical conclusions concerning these three songs follow here.

For the following analysis, please see Exhibit I where I have placed all three songs in chronological order and provided a comparative musical analysis.

Note on labels: In Exhibit I, melodic figures are labelled with letters. If the labels are the same, the figures are related. Often the figures are varied, so A1 means a variation of A, A2 a different variation of A, et cetera. I labeled the opening melodic figure of Rush "A" to distinguish it from the other forms of melodic figure A found at the start of the other songs. I have retained the same labeling that I used for specific instances of figures A and B for the first verse of "Bright Red Chords" and "Domino" in my analysis from Exhibit D, including the phrase "end of B" or "end of B varied" to keep the terminology consistent. In Exhibit I, the use the letter C indicates the presence of the same melodic figure at the very end of verse 1 in "Bright Red Chords" and "Rush."

The first verse for each song has four distinct melodic lines consisting of two bars each (altogether forming a standard-length 8 bar verse).

The first melodic line of "Bright Red Chords" has some notes and rhythms in common with the first melodic line of "Rush" (labelled "A"), but starts on a different note and with a faster melodic rhythm (two eighth notes b-d<sup>1</sup>) than the opening melodic note of "Rush" (one quarter note d<sup>1</sup>). In my opinion this makes the melodic opening "Bright Red Chords" more distinctive and catchy than the opening line of "Rush." It is a real difference, and the ending of the first line for "Bright Red Chords" has an embellishment f#1-e1-f#1 not in "Rush."

The melodic settings for verse one text lines 2 and 4 are distinctly different in "Bright Red Chords" from the melodic settings of text lines 2 and 4 in "Rush," although they end with the same notes on the final word; this constitutes more of a structural connection than the actual use of another song's melody. The melodic setting of text line three in



Rush (at "and not change a single thing) sounds like a variant of the opening melodic idea of "Rush," but it is rather loosely varied and so where there could have been a strong parallel with the third line of "Bright Red Chords" (at "I watch the record spin around) there is instead a distinctly different melodic idea.

Despite the similarities in the compared compositions noted with parts of melodic figures found in common to both songs and both songs ending each text line setting with the same notes (creating a structural parallel between the songs), none of the four verse lines from "Rush" are found to be duplicated exactly in "Bright Red Chords." The use of melodic figures is looser in "Rush" than in the other songs. This can be seen in Exhibit I where none of the first verse melodic figures of Rush are repeated without variation, whereas in the other two songs the opening melodic figures return for their third text line setting.

My opinion on the relationship between the first verse melodies of "Rush" and "Bright Red Chords" is that on the one hand there are some similarities in melody and musical structure. The melody of "Bright Red Chords" at times verges on being just like that of "Rush" but diverges sufficiently to remain similar but still independent from Rush. My listening to subsequent verses of "Rush" does not alter my opinion on this, although I have only presented a detailed comparison of verse 1; I did not find that later verses were generally closer to the melodic substance of "Bright Red Chords" than the first verse.

#### **Analytical Conclusions of the First Verse Melodies of "Rush," "Bright Red Chords" and "Domino."**

The melodic material of the verse to "Domino" is closer musically to "Bright Red Chords" than to the melodic lines to the verse of "Rush". This is because both "Bright Red Chords" and "Domino" start with the more distinctive version of A starting with eighth note rest followed by three eighth notes (b-d1-b seen at the start of Exhibit I) as opposed to the opening of "Rush" starting with quarter note d1. This opening is unique to "Bright Red Chords," not found in "Rush," and is this divergence from the opening of "Rush" that is repeatedly used to begin text lines of both verses of "Domino."

Interestingly, examining "Rush" affords the opportunity (because of its looseness in treatment of melodic ideas) to highlight the fact that in comparison, the various uses of melodic idea "A" in both "Bright Red Chords" and "Domino" is more distinct and well-defined as a specific idea to be repeated; even the variants in those two later songs tend to be less far-ranging than those heard in "Rush."

It is my opinion that the verses of "Domino" rely very heavily on a melody that had earlier been used in "Bright Red Chords," that is very catchy and distinct, and that is the same melody with some minor embellishments or variants. It is my opinion that there is a substantial similarity between these two songs.

# EXHIBIT “I”

Exhibit I

First Verse Comparison of Bright Red Chords, Domino, and Rush  
(all songs given in D major for ease of comparison)

Rush: Big Audio Dynamic (orig. key A major) - bar no. from album version

1 N.C. "A"

D (Dus4) D (Dus4) D (Dus4) D (Dus4)

end of B Start of "A" varied end of B

I had my time a - gain I would do it all the same

Bright Red Chords: Loomis and the Lust Final Version (original key D major)

A1

Power chords D5 F#5 G5 A D5

end of B B' end of B

I put the need - le in the groove. to a song that fits the mood

Domino: Jessie J (transposed to D, original key G major)

A1'

D5 G5/D D (Dus4) D (Dus4)

end of B Start of A1 varied end of B

Im feel - ing sex - y and free like rain is rain - ing on me

Rush

5 D D (Dus4) D (Dus4) D (Dus4) D (Dus4)

"A 2"

C Start of "A" varied C

and not change a sin - gle thing e - ven when I was to blame

BRC

14 A' D5 F#5 G5 A D5 F#5 G5

A' B1' C

I watch the re - cord spin a - round in - to a wall of sound

Domino

8 A1' D5 G5/D D (Dus4) D (Dus4)

end of B Start of A1 varied end of B

You're like a shot of pure gold I think Im 'bout to ex - plode



PROOF OF SERVICE

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } ss

I am employed in the County of Los Angeles, State of California. I am over the age of 18, not a party to the within action, and my business address is 16255 Ventura Blvd., Suite 704, Encino, CA 91436-2311. On September 10<sup>th</sup>, 2013, I served the following documents, described as:

**DESIGNATION OF EXPERT; CERTIFICATION AND DECLARATION OF DR. DAVID STERN - REPORT**

JEFFERY M. MOVIT  
(ADMITTED PRO HAC VICE)  
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**BY PERSONAL SERVICE**

**BY FACSIMILE AND EMAIL ONLY**

☒ PERSONAL SERVICE I placed ☒ a true copy ☐ the original of the foregoing document(s) enclosed in a sealed envelope addressed as indicated, and deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

☒ FACSIMILE I transmitted the foregoing document(s) by facsimile to the attention of JEFF MOVIT and CHRISTINE LEPERA at 212 509-7239, and ELAINE KIM at 310 312-3100 and upon completion received an acknowledgment from the facsimile machine that the transmission had been successfully completed.

☒ EMAIL I transmitted the foregoing document(s) by email:

☒ STATE I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed this 10<sup>th</sup> day of September, 2013, at Encino, California.

  
Brendan McKane, Law Clerk

PROOF OF SERVICE

EXHIBIT D

Bright Red Chords - (Copyright Demo Recording and Final Video Versions) -  
Domino Comparison (given in D major)

Bright Red Chords: Loomis and the Lust Copyright Vs. done at Record Plant (original key D major)

0 1 INTRO 2 3 4 5

cross stick

D<sup>5</sup> F#<sup>5</sup> G<sup>5</sup> A<sup>5</sup> E

Bright Red Chords: Loomis and the Lust Video Version (original key D major)

1 INTRO 2 3 4 5 6

D<sup>5</sup> F#<sup>5</sup> G<sup>5</sup> A<sup>5</sup> E

Domino: Jessie J (original key G major, transposed to D major for comparison with BRC)

Stern  
EXHIBIT NO. 44  
L. White



S = SIXTEENTH NOTE  
E = EIGHTH NOTE  
Q = QUARTER NOTE

EXHIBIT D

Handwritten musical score for three versions of a song: BRC orig., BRC final, and Domino. The score includes lyrics and musical notation with handwritten annotations.

**BRC orig.**

VERSE 1 A

6 1 6 1 6 1 10 3

I put the need-le in the groove

D<sup>5</sup> F#<sup>5</sup> G<sup>5</sup> A<sup>5</sup> E

7 8 9 10 11 12

to a song that fits the

D A B D D E E E E

**BRC final**

VERSE 1 A'

10 6 1 6 1 6 1 13 13

I put the need-le in the groove

D<sup>5</sup> F#<sup>5</sup> G<sup>5</sup> E

7 8 9 10 11 12

to a song that fits the

D B D D D E

**Domino**

INTRO

VERSE 1 A1

4 6 1 6 1 6 1 5 3 2 3 5

I'm feel-ing sex-y and

D<sup>5</sup> G<sup>5</sup>/D G<sup>5</sup>/D

2 3 4 5 6 7 8 9 10 11 12

like glit-ter's rain-ing on

D D D D D D D D

Handwritten notes and corrections are present throughout the score, including "Eighth note" and "Start of A'".

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